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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 RONDEL DELBERT GARDNER, ) Case No.: 1:20-cv-00240-NONE-SAB (PC)  
12 Plaintiff, )  
13 v. ) ORDER ADOPTING FINDINGS AND  
14 GAVIN NEWSOM, et.al., ) RECOMMENDATIONS  
15 Defendants. ) (Doc. Nos. 51, 60)  
16 )

17 Plaintiff Rondel Delbert Gardner is proceeding *in forma pauperis* in this civil rights action  
18 pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant  
19 to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On October 14, 2020, the assigned magistrate judge issued findings and recommendations  
21 recommending defendants' motion to dismiss be granted. (Doc. No. 61.) The findings and  
22 recommendations were served on the parties and contained notice that objections were due within  
23 twenty-one (21) days. (*Id.* at 9.) Plaintiff filed objections on November 20, 2020, and defendants  
24 filed a response on November 30, 2020. (Doc. Nos. 64, 65.)

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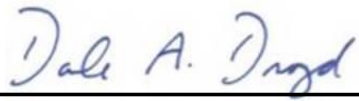
1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de*  
2 *novo* review of the case. Having carefully reviewed the entire file, including plaintiff's objections and  
3 request to present further evidence, the court concludes that the magistrate judge's findings and  
4 recommendations are supported by the record and by proper analysis. Plaintiff's objections provide  
5 no basis upon which that recommendation could legitimately be rejected.

6 Accordingly,

- 7 1. The findings and recommendations issued on October 14, 2020, (Doc. No. 62), are  
8 adopted in full;
- 9 2. Defendants' motion to dismiss filed on August 27, 2020 (Doc. No. 51) is granted;
- 10 3. Plaintiff's due process claim is dismissed for failure to state a cognizable claim; and
- 11 4. Defendant California State Prison, Corcoran is dismissed from the action.

12  
13 IT IS SO ORDERED.

14 Dated: January 8, 2021

  
UNITED STATES DISTRICT JUDGE